

OFFICIAL GAZETTE

GOVERNMENT OF GOA

NOTE : — There is one Extraordinary issue to the Official Gazette, Series I No. 3 dated 21-4-1994, namely, Extraordinary dated 27-4-1994, from pages 129 to 130 regarding Notification from Finance (Budget) Department.

GOVERNMENT OF GOA

Department of Personnel

Notification

1/6/74-PER (Vol. III)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group 'B' Gazetted posts in the Directorate of Industries and Mines, Government of Goa, namely:—

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Directorate of Industries and Mines, Group 'B' Gazetted posts, Recruitment Rules, 1994.

2. They shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Number, classification and scales of pay. —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in Columns 2 to 4 of the said Schedule.

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. **Disqualification.** — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if, satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Power to relax.** — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Goa Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. **Saving.** — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Personnel).

Panaji, 31st March, 1994.

SCHEDULE

Name/ Designation of post	Number of posts	Classi- fication	Scale of Pay	Whether Selection post or non- Selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissi- ble under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & edu- cational qualifica- tions pres- cribed for the direct recruits will apply in the case of promotees	Period of pro- bation if any	Method of recruitment whe- ther by direct recruitment or by promotion or by deputation/trans- fer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputa- tion/transfer, grades from which promo- tion/deputation/ transfer is to be made	If a D.P.C. exists, what is its com- position	Circums- tances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Assistant Geologist	6 (1994) sub- ject to varia- tion depen- dent on work- load	Goa General Service Group 'B' Gazet- ted	Rs. 1640-60- -2600- -EB-75- -2900	Selec- tion	Not ex- ceeding 35 years (Relaxa- ble for Govern- ment servants in accord- ance with instruc- tions or orders issued by the Go- vern- ment.)	No	<i>Essential:</i> (i) M. Sc. Degree in Geology from a recognised Univer- sity. OR (i) Diploma in Allied Geology from the Indian School of Mines, Dhanbad or its equivalent. (ii) 3 years experience in the field. <i>Desirable:</i> Knowledge of Kon- kani and/or Mara- thi.	Age: No. Qualifica- tions: As indicated in Column 11.	Two years	50% by promo- tion failing which by transfer on deputation and failing both by direct recruitment. 50% by direct recruitment.	<i>Promotion:</i> Technical Assistant with 5 years regular ser- vice in the grade and possessing the qualification of B. Sc. with Geology as a subject. <i>Transfer on deputation</i> Officers of the Central/ State Govt./Union territory Adminis- tration. (a) (i) holding analo- gous posts on regular basis; or (ii) with 5 years regular servi- ce in the scale of Rs. 1400- -2300. (b) Possessing the qualifications and experience prescri- bed for direct re- cruits in column 7.	Group 'B' DPC (for promo- tion and confir- mation only).	As requi- red under the GPSC (Exemp- tion from consul- tation) Regula- tion 1988. Consul- tation with GPSC neces- sary while making direct recruit- ment, promo- tion, confir- mation, selecting an of- ficer for ap- point- ment on de- puta- tion and amend- ing/re- laxing any of the provi- sions of these rules.

Education Department

Notification

8/6/85-EDN (PF)

Whereas the General Council of Kala Academy for Goa, in its meeting held on 14-8-1992, have resolved and requested the Government to amend Articles 9 and 14 of the constitution of the Kala Academy for Goa (hereinafter called the 'said Constitution'), so as to include the Director of Art and Culture as one of the Members of the General Council/Executive Board.

Now, therefore, in pursuance of the request made by the General Council of Kala Academy for Goa and in terms of Article 20 of the said Constitution, the Government of Goa hereby amends the provisions of the said Constitution as follows, namely:

In the said Constitution —

1. In Article 9, after item (ii), the following shall be inserted, namely: —

“(iia) Director of Art and Culture”.

2. In Article 14, after item (iii), the following shall be inserted, namely: —

“(iiia) Director of Art and Culture”.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education),
Panaji, 13th April, 1994.

Law (Legal and Legislative Affairs) Department

Notification

10-2-92/LA (Part)

The Banking Regulation (Amendment) Ordinance, 1994 (No. 5 of 1994), which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, section 1, dated 31-1-1994, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).
Panaji, 21st February, 1994.

MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 31st January, 1994/

/Magha 11, 1915 (Saka)

THE BANKING REGULATION (AMENDMENT)
ORDINANCE, 1994

No. 5 of 1994

Promulgated by the President in the Forty-fifth
Year of the Republic of India.

An Ordinance further to amend the Banking Regu-
lation Act, 1949.

Whereas Parliament is not in session and the
President is satisfied that circumstances exist

which render it necessary for him to take immediate
action;

Now, therefore, in exercise of the powers conferred
by clause (1) of article 123 of the Constitution, the
President is pleased to promulgate the following
Ordinance: —

1. *Short title and commencement.* — (1) This
Ordinance may be called the Banking Regulation
(Amendment) Ordinance, 1994;

(2) It shall come into force at once.

2. *Amendment of section 10B.* — In
section 10B of the Banking Regulation
Act, 1949 (hereinafter referred to as the 10 of 1949.
principal Act), —

(a) for sub-section (1), the following sub-sec-
tion shall be substituted, namely: —

“(1) Notwithstanding any thing contained in
any law for the time being in force or in any
contract to the contrary, every banking com-
pany in existence on the commencement of the
Banking Regulation (Amendment) Ordinance,
1994, or which comes into existence thereafter
shall have one of its directors, who may be
appointed as chairman of its board of directors
on a whole-time or a part-time basis, and where
he is appointed on a whole-time basis, he shall
be entrusted with the management of the whole
of the affairs of the banking company:

Provided that the Chairman shall exercise his
powers subject to the superintendence, control
and direction of the Board of directors.

(1A) Where a chairman is appointed on a
part-time basis, —

(i) such appointment shall be with the
previous approval of the Reserve Bank and
be subject to such conditions as the Reserve
Bank may specify while giving such approval;

(ii) the management of the whole of the
affairs of such banking company shall be
entrusted to a managing director who shall
exercise his powers subject to the superin-
tendence, control and direction of the Board
of directors.”;

(b) In sub-section (2), for the words “Every
chairman of the Board of directors”, the words
“Every chairman of board of directors who is
appointed on a whole-time basis and every man-
aging director” shall be substituted;

(c) in sub-section (4), —

(i) in the opening paragraph, for the words
“Every chairman of the board of directors of
a banking company”, the words “Every chair-
man who is appointed on a whole-time basis
or every managing director of a banking com-
pany appointed under sub-section (1A)” shall
be substituted;

(ii) in the proviso, for the word “chairman”,
the words “chairman appointed on a whole-time
basis or a managing director” shall be substi-
tuted;

(d) in sub-sections (5) and (5A), for the words "A chairman of the board of directors" at both the places where they occur, the words "A chairman of board of directors appointed on a whole-time basis or a managing director" shall be substituted;

(e) in sub-section (6), —

(i) for the words "chairman of the board of directors" wherever they occur, the words "chairman of board of directors appointed on a whole-time basis or the managing director" shall be substituted;

(ii) for the words "chairman of its board of directors", at both the places where they occur, the words "chairman of the board of directors appointed on a whole-time basis or a managing director" shall be substituted;

(iii) for the words "appointed as chairman", the words "appointed as chairman on a whole-time basis or a managing director" shall be substituted;

(f) in sub-sections (8) and (9), for the word "chairman", wherever it occurs, the words "chairman of the board of directors appointed on a whole-time basis or a managing director" shall be substituted.

3. *Amendment of section 10BB.*— In section 10BB of the principal Act, for the word "chairman", wherever it occurs, the words "chairman of the board of directors appointed on a whole-time basis or a managing director" shall be substituted.

4. *Amendment of section 10C.*— In section 10C of the principal Act, for the words "A chairman", the words "A chairman of the board of directors appointed on a whole-time basis or a managing director" shall be substituted.

5. *Amendment of section 10D.*— In section 10D of the principal Act, for the words "director or chairman", the words "director, the chairman of the board of directors appointed on a whole-time basis or managing director" shall be substituted.

6. *Amendment of section 12.*— In section 12 of the principal Act, in sub-section (2), for the words "one per cent.", the words "ten per cent." shall be substituted.

7. *Amendment of section 16.*— In section 16 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) No banking company incorporated in India shall have as a director in its board of directors any person who is a director of any other banking company.

(1A) No banking company referred to in sub-section (1) shall have in its board of directors more than three directors who are directors of companies which among themselves are entitled to exercise voting rights in excess of twenty per cent. of the total voting rights of all the shareholders of that banking company.”.

8. *Amendment of section 46.*— In section 46 of the principal Act, in sub-section (4), for the portion beginning with the words "two thousand rupees" and ending with the words "one hundred rupees", the following shall be substituted, namely:—

“fifty thousand rupees or twice the amount involved in such contravention or default where such amount is quantifiable, whichever is more; and where a contravention or default is a continuing one, with a further fine which may extend to two thousand and five hundred rupees”.

9. *Amendment of section 46A.*— In section 46A of the principal Act, for the words "Every chairman, director, auditor", the words "Every chairman appointed on a whole-time basis, managing director, director, auditor" shall be substituted.

10. *Amendment of section 47A.*— In section 47A of the principal Act, —

(i) in sub-section (1), in clause (b), for the portion beginning with the words "two thousand rupees" and ending with the words "one hundred rupees", the following shall be substituted, namely:—

“five lakh rupees or twice the amount involved in such contravention or default where such amount is quantifiable, whichever is more; and where such contravention or default is a continuing one, a further penalty which may extend to twenty-five thousand rupees”;

(ii) for sub-sections (2) and (3), the following sub-section shall be substituted, namely:—

“(2) For the purpose of adjudging the penalty under sub-section (1), the Reserve Bank shall serve notice on the banking company requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such banking company.”.

SHANKER DAYAL SHARMA,
President.

A. C. C. Unni,
Additional Secretary to the Govt. of India.